

## **PRE-APPEAL BRIEF REMARKS**

Applicant submits that the current final office action issued by the Examiner in the present application contains clear errors in the Examiner's rejections as well as omissions of one or more essential elements needed for a prima facie rejection.

The following claims are currently pending in the application: 1-6, 16-18, 20-21, 25, 27, 34-36, 39, 64, 66-67 and 69-74. All of the claims have been rejected under 35 USC §101 as not being directed to statutory subject matter. Additionally, all of the claims have been further rejected under 35 USC §102 (e) as being anticipated by Trower II et al. (US Pat 6,922,810 B1) hereinafter "Trower".

### **35 USC §101 Rejection**

#### **A. The Examiner Did Not Apply the Bilski Standard**

In rejecting all of the pending claims under 35 USC §101 the Examiner has merely provided a conclusory statement to the effect that the independent claims (1 and 66) are abstract ideas and {do} not produce any concrete, useful and tangible results. The "concrete, useful and tangible results" test was recently disavowed by the Court of Appeals for the Federal Circuit (CAFC) in the Bilski decision in favor of the machine or transformation test.

Bilski requires a claimed process (method) to include use of a specific machine that imposes meaningful limits on the scope of the claim that is not merely an insignificant post solution activity, **or** the process (method) must transform an article to a different state or thing that imposes meaningful limits on the scope of the claim that is not merely an insignificant post solution activity? If the a claim meets either of these conditions then the claim is statutory.

#### **B. The Present Claims Satisfy the Bilski Standard**

Applicant submits that the present claims read in light of the specification meet both conditions of the Bilski test and are therefore statutory. For instance, Fig. 2 and paragraphs [0067] – [0075] clearly set out and describe the environment

in which the present invention is practiced. This environment includes a variety of hardware and software embedded therein sufficient to produce a special purpose machine and system for carrying out the steps of the method. Moreover, the method transforms an article (partially unspecified query) to a different state or thing (query matches transformed to search results – Claims 1 and 66) satisfying the second prong of the Bilski test.

Applicant requests reconsideration and withdrawal of the 35 USC §101 rejection based on the above.

### **35 USC §102(e) Rejection**

#### **A. Trower Does Not Disclose Partially Unspecified Terms Nor Does It Determine Matches In Accordance With The Partially Unspecified Term**

The 35 USC §102(e) rejection of the claims is in error because the Examiner has mischaracterized the teachings and disclosure of Trower. Trower does not teach receiving a (full) query containing a partially unspecified term that is associated with a matching restriction. Rather, Trower teaches receiving a partial query that is not associated with any matching restrictions. Moreover, Trower also does not teach determining a match for a query in accordance with the associated matching restriction. Rather, Trower teaches an auto-complete system in which the result is to take a partial query and convert it into a full query without regard to any matching restrictions in the partial query and does not return results.

#### **1. The Present Application**

The present application generally teaches a method of fulfilling an information need (answering a query) that accepts, as input, a query containing fully specified terms and a *partially unspecified term* associated with a matching restriction and *returns matches (results) in accordance with the matching restriction* for the partially unspecified term and the other fully specified terms of the query. A partially unspecified term includes a restriction that defines a particular set of character sequences that can match the term. (¶[0091] – Published Application)

Thus, a variety of results can return a match based on the associated matching restriction.

## **2. The Prior Art Trower Reference**

The Trower reference generally teaches a grammar based auto complete system for forming input requests to a variety of applications such as search queries. Trower will analyze the incomplete user input and provide one or more auto-complete options that the user can select from to complete the input request (Abstract – Trower). Trower's goal is to convert a partially complete input request (partial query) into a fully complete input request (full query) without the user having to specify every character. This is in contrast to the present invention which analyzes a partially unspecified (but fully complete) query request so that one or more matches to the partially unspecified input query can be presented to the user as search results (Abstract – Present Application).

### **B. Trower Does Not Disclose A Partially Unspecified Term Associated With A Matching Restriction**

The first fundamental difference between Trower and the present application is that Trower analyzes partially complete input requests (e.g., queries) while the present invention analyzes fully complete queries that include a partially unspecified term associated with a matching restriction.

For instance, consider the query “Agatha Christie was born in\_[num]” in which \_[num] is the partially unspecified term. In this case, a match to the query would require a document to contain a string that included the phrase “Agatha Christie was born in” followed by a number (it could be any number). (See, ¶ [0094] – [0098]. However, the context and structure of the query make it such that the likely result will be “Agatha Christie was born in 1890” since that is the year in which Agatha Christie was born. Compare this to the query “Agatha Christie born in\_[location]”. This time a match could look like “Agatha Christie born in England” since England fits the parameters defined by the partially unspecified term “\_[location]”.

With respect to claim 1, the Examiner cites col. 10, lns. 20-26 of Trower as teaching *“receiving a query comprised of one or more fully specified terms and one or more at least partially unspecified terms pertaining to the information need wherein the at least partially unspecified terms are separate from the one or more fully specified terms in the query and the at least partially unspecified terms include a predefined character sequence representing a matching restriction;”*

The section quoted by the Examiner is mis-applied to the present application for a couple of reasons. First and foremost, the user in Trower did *not* enter what the Examiner considers a partially unspecified term (%symbol%). The user request was “what is Microsoft trading” which does not include any partially unspecified terms. The *grammar rule* is comprised of “what is %symbol%+ trading at”. This is separate from the user request/input. Thus, Trower does not *receive a query* including a one or more partially unspecified terms. Moreover, the term %symbol%+ is not a partially unspecified term. The grammar rule will apparently consider the term in a user request corresponding to the %symbol%+ term in the grammar rule as a symbol of some kind but does not verify that the actual user input is an actual ticker symbol. Thus, there is no disclosure of a matching restriction for the partially unspecified term. Trower discloses in Table I (col. 9) that the characters within the %% operators can match **any** characters. This is clearly a wildcard type operator that sets forth no matching restriction requirement whatsoever. Recall \_[num] would match “ 1840” in our example above but not “the nineteenth century” since it is not comprised of a number.

### **C. Trower Does Not Disclose Determining A Match In Accordance With A Matching Restriction**

The second clause of claim 1 requires, *“determining one or more matches for the query, wherein a criterion for determining one of said matches specifies that (i) a relative order of at least one term of said query need not be preserved with respect to at least one other term included in said query, and (ii) said one or more matches for the query are determined in accordance with said matching restriction.”* Determining matches for the query in the present application involves returning

search results based on a *fully complete but partially unspecified* query. Trower does not determine matches for a query but rather auto-completes user input to create a fully specified query.

Trower has cited col. 10, lns. 1-7 as teaching the above quoted clause. However, that citation merely reinforces that variables are the same as wildcards in that they can be matched by any user input meaning that no matching restriction is taught. In addition, the cited portion is referring to the grammar rules. Actual data that is input by the user that “matches” the variable is communicated to the corresponding software module

### **E. Conclusion**

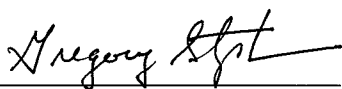
In sum, Trower fails to teach or disclose all of the elements and/or steps of the claims as asserted by the Examiner and required under 35 USC §102(e). Thus, the Examiner’s rejection contains clear errors in as well as omissions of one or more essential elements needed for a prima facie rejection.

Applicant respectfully requests reconsideration and withdrawal of the 35 USC §102(e) rejections based on Trower as well as the 35 USC §101 rejection.

Respectfully submitted,

Date: 1/29/09

Telephone: 919.981.4318  
Facsimile: 919.361.2262

  
Gregory Stephens  
Attorney for Applicants  
Registration No. 41,329  
Williams Mullen PC  
PO Box 13646  
Research Triangle Park, NC 27709-3646